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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,571	11/24/2003	Kamesh Akundi	CISCP353/7974	5786
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BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER TRUONG, THANHNGA B	
			ART UNIT 2135	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,571

Applicant(s)

AKUNDI ET AL.

Examiner

Thanhnga B. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the communication filed on July 12, 2007. Claims 1-22 are pending. At this time, claims 1-22 are still rejected.

Response to Arguments

2. Applicant's arguments filed July 12, 2007, with respect to Election/Restriction have been fully considered and are persuasive. The office action of Restriction/Election mailed on June 14, 2007 has been withdrawn.

Applicant's arguments filed March 21, 2007 have been fully considered but they are not persuasive.

Applicant argues that:

Neither Slemmer nor Maufer, individually or in combination, discloses a single device that both bridges and routes incoming packets. They also fail to teach that packets should be bridged.

Examiner disagrees with applicant and still maintain that:

Slemmer teaches the a system for providing uninterrupted communication over a network link includes a multi-port switch (e. g., bridges) that is connected to a first network portion and a second network portion that are communicating with one another. The multi-port switch is also connected to a separate server unit, such as a firewall (e.g., router or gateway) computer. The switch is configured to direct communication signals flowing between the first network portion and the second network portion through the separate server unit for processing during normal operation. When the separate server unit fails, however, the switch is reconfigured so that communications bypass the separate server unit. In a preferred embodiment, a Ethernet switch having virtual local area network (VLAN) capability is used. Although Slemmer teaches a firewall, Slemmer is silent on the capability of showing the source address (if indeed is inherently in Slemmer). On the other hand, Maufer teaches the source and destination address (**column 1, lines 40-62; column 3, lines 60-67 of Maufer**). In addition, Maufer further teaches the packets are being routed (see Maufer's abstract and column 16, lines 23-31 of Maufer). Thus, the combination of teaching between Slemmer and Maufer teaches the claimed subject matter.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., discloses a single device that both bridges and routes incoming packets) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It appears that Applicant has tried to interpret "within the first network" as a single device. It is not true that a network is compatible with a single device, since many devices can be in one network.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of teaching between Slemmer and Maufer is proper and efficient.

Slemmer and Maufer do not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

For the above reasons, it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slemmer (US 6,240,533 B1), and further in view of Maufer et al (US 7,143,188 B2).

a. Referring to claim 1:

i. Slemmer teaches a firewall, comprising:

(1) a first port configured for communication with a first device within a first network (**see Figures 4 & 5 and further details on column 4, line 52 of Slemmer**);

(2) a second port configured for communication with a second device within the first network (**see Figures 4 & 5 and further details on column 4, lines 52-53 of Slemmer**);

(3) a third port configured for communication between the first network and a second network (**see Figures 4 & 5 and further details on column 4, lines 51-58 of Slemmer**); and

(4) at least one processor configured to: determine that a first portion of the incoming packets should be bridged, the first portion having a first source address and a first destination address within the first network (**column 4, lines 7-32 of Slemmer**);

(5) apply a first screening process to the first portion (**column 4, lines 32-41 of Slemmer**);

(6) determine that a second portion of the incoming packets should be routed, the second portion having a second source address or a second destination address outside the first network; and apply a second screening process to the second portion (**column 4, lines 42-67 through column 5, lines 1-10 of Slemmer**).

ii. Although Slemmer teaches a firewall, Slemmer is silent on the capability of showing the source address (if indeed is inherently in Slemmer). On

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the other hand, Maufer teaches the source and destination address (**column 1, lines 40-62; column 3, lines 60-67 of Maufer**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Slemmer (if indeed is not inherently) with the teaching of Maufer to form a packet (**column 3, lines 59-60 of Maufer**).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Slemmer (if indeed is not inherently) with the teaching of Maufer to enhanced security for communication over a network, and more particularly to integration of Network Address Translation (NAT) with Internet Protocol Security (IPSec) (**column 1, lines 8-11 of Maufer**).

b. Referring to claim 2:

i. Slemmer further teaches:

(1) wherein the at least one processor is configured to control traffic between the first device and the second device according to a spanning tree protocol (**column 3, lines 54-67 through column 4, lines 1-3 of Slemmer**).

c. Referring to claim 3:

i. Slemmer further teaches:

(1) wherein the at least one processor is configured to control traffic between the first device and the second device according to one or more fields in a layer 2 header of a packet (**column 3, lines 54-67 through column 4, lines 1-3; column 4, lines 30-32 of Slemmer**).

d. Referring to claim 4:

i. Slemmer teaches:

(1) wherein the at least one processor is configured to perform an initial check on a packet, wherein the procedures of the initial check are selected from the group consisting of checking for broadcasting, multicasting and Internet protocol fragments (**column 4, lines 59-67 through column 5, lines 1-11 of Slemmer**).

e. Referring to claim 5:

i. The combination of teaching between Slemmer and Maufer teaches the claimed subject matter. Maufer further teaches:

(1) wherein the at least one processor is configured to apply the first screening process according to security policies implemented at one or more of layers 3 through 7 (**column 2, lines 45-67 of Maufer**).

f. Referring to claims 6-7:

i. These claims have limitations that is similar to those of claim 5, thus they are rejected with the same rationale applied against claim 5 above.

g. Referring to claim 8:

i. This claim has limitations that is similar to those of claim 1, thus it is rejected with the same rationale applied against claim 1 above.

h. Referring to claims 9-12:

i. These claims consist a method of implementing a firewall in claim 1, thus they are rejected with the same rationale applied against claims 1, 4-5 above.

i. Referring to claims 13-16:

i. These claims consist a computer program embodied in a machine-readable medium, the computer program comprising instructions for controlling a firewall to implement claim 1, thus they are rejected with the same rationale applied against claims 1, 4-5 above.

j. Referring to claim 17:

i. The combination of teaching between Slemmer and Maufer teaches the claimed subject matter. Maufer further teaches:

(1) further comprising a control plane configured to build a bridge table (**see figures 5A-B and more details in column 3, lines 64-67; column 5, lines 57-67 through column 6, lines 1-6 of Maufer**).

kj. Referring to claim 18:

i. The combination of teaching between Slemmer and Maufer teaches the claimed subject matter. Maufer further teaches:

(1) wherein the control plane is further configured to inspect one or more of DHCP, ARP or OSPF packets (**column 1, lines 40-48; column 7, lines 2-12 of Maufer**).

l. Referring to claim 19:

i. The combination of teaching between Slemmer and Maufer teaches the claimed subject matter. Maufer further teaches:

(1) wherein the control plane is further configured to builds a routing table (**see figures 5A-B and more details in column 3, lines 64-67; column 5, lines 57-67 through column 6, lines 1-6 of Maufer**).

m. Referring to claim 20:

i. The combination of teaching between Slemmer and Maufer teaches the claimed subject matter. Maufer further teaches:

(1) further comprising a data plane configured to enforce screening policies (**column 2, lines 45-67 of Maufer**).

n. Referring to claim 21:

i. The combination of teaching between Slemmer and Maufer teaches the claimed subject matter. Maufer further teaches:

(1) wherein the data plane is further configured to determine whether to bridge or route packets (**column 6, lines 7-21 of Maufer**).

o. Referring to claim 22:

i. The combination of teaching between Slemmer and Maufer teaches the claimed subject matter. Maufer further teaches:

(1) wherein the data plane is further configured to rewrite packet headers before transmitting packets (**column 2, lines 45-67**).

Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

September 28, 2007

Thanhnga B. Truong
Primary Examiner